

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES M. UPTHEGROVE,

Plaintiff,

v.

MMHI MEDICAL DIRECTOR, et al.,

Defendants.

ORDER

Case No. 20-cv-927-bbc

On October 5, 2020, I directed plaintiff James M. Upthegrove to submit a resident account statement in support of his a motion for leave to proceed without prepayment of the filing fee. Dkt. 4. On October 13, 2020, plaintiff submitted a motion for reconsideration of the October 5 order, indicating that because he is not a prisoner, rather a civil detainee, he is not subject to the requirements of 28 U.S.C. § 1915(a)(2). Dkt. 5.

Even though plaintiff is not a prisoner, this court uses the mechanism in 28 U.S.C. § 1915 to determine indigency status for all litigants. Therefore, plaintiff's motion for reconsideration is denied. However, plaintiff may have an extension of time until November 4, 2020, to submit a resident account statement for the six-month period preceding the filing of his complaint.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion for reconsideration, dkt. 5, is DENIED.

2. Plaintiff may have until November 4, 2020 to submit a resident account statement for the period beginning approximately April 5, 2020 and ending approximately October 5, 2020.
3. If, by November 4, 2020, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 14th day of October, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge